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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,133	08/01/2001	Kazunobu Kubota	7217/65186	5686

7590 11/18/2003
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

HARVEY, MINSUN OH

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,133

Applicant(s)

KUBOTA, KAZUNOBU

Examiner

Minsun Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 to 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Inanaga.

Inanaga discloses an apparatus which is comprised of processing an audio signal comprising: means for synthesizing a plurality of M sound source signals (multichannel analog stereophonic signal source 2 of fig. 1) to provided N sound source signals (output of 31 and 22), the number N being smaller than the number M of the sound source signals, based on at least one of position information, movement information and localization information of the M sound source signal (38, 64, 31, 33 and 44); means for generating synthesized information by synthesizing information corresponding to the synthesized N sound source signal from the information of the M sound source signals (5, 8, 10 and 12) and signal processing means for localizing in sound image the synthesized N sound source signals based on the synthesized information from the means for generating (7, 11, 15 and 16); localizing in sound image in the signal processing means is virtual sound image localization for obtaining two channel reproduced signals supplied to a pair of acoustic transducers to localize a sound image at an arbitrary position around a listener (col. 16, lines 26 to 40); at least one information pf position information, movement information and localization information correspond to the N synthesized sound source is changed by a change

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instruction which is supplied by a user's operation (a user's head is detected by 65 for a movement).

3. This is in response to the applicant's remark, which was received on September 8, 2003.

On page 12, lines 5 to 8, the applicant has argued that Inanaga fails to "discloses grouping or synthesizing a plurality of sound sources into fewer signals based on parameters such as position information, etc., to localize the signals". The applicant's argument is not persuasive because Inanaga does disclosed synthesizing a plurality of sound sources into fewer signals based on parameters such as position information, etc., to localize the signals (plurality of sound sources are outputted from 2 and provide fewer sound source signals which are output of 21 and 22).

On page 12, line 12 to page 13, line 3, the applicant has argued that "contrary to what is stated in the Office Action, elements 38, 64, 31, 32, 33, and 44 of Inanaga et al are not a means for synthesizing but are a means for detecting a rotational angle of the head of the user". The applicant's argument is not persuasive because 38, 64, 31, 32, 33 and 44 of Inanaga was applied to show at least one of position information, movement information and localization information. Elements 5, 8, 10 and 12 are applied to show means for generating synthesized information. Elements 7, 9, 11, 15 and 16 are applied to show "signal processing means...." as claimed.

The examiner maintains the rejection as set forth above.


4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Harvey whose telephone number is (703) 308-6741. The examiner can normally be reached on Mondays-Fridays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen, can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


MINSUN OH HARVEY
PRIMARY EXAMINER